



CITY OF MORGAN HILL

COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Steve Tate, Council Member/Mayor-Elect
Mark Grzan, Mayor Pro Tempore
Larry Carr, Council Member
Marby Lee, Council Member-Elect
Greg Sellers, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Mark Grzan, Vice-Chair
Larry Carr, Agency Member
Marby Lee, Agency Member
Greg Sellers, Agency Member
Steve Tate, Agency Member

WASTEWATER FACILITIES

FINANCING CORPORATION BOARD

Dennis Kennedy, President
Mark Grzan, Vice-President
Larry Carr, Board Member
Marby Lee, Board Member
Greg Sellers, Board Member
Steve Tate, Board Member

WEDNESDAY, DECEMBER 6, 2006

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

and

REDEVELOPMENT AGENCY REGULAR MEETING

and

**MORGAN HILL WASTEWATER FACILITIES FINANCING CORPORATION
REGULAR MEETING**

7:00 P.M.

CALL TO ORDER

(Mayor/Chairperson/President Kennedy)

ROLL CALL ATTENDANCE

(Municipal Services Assistant Rice)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Municipal Services Assistant Rice)

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Centennial Committee Members

Jennifer Tate, Chair

Janie Knopf, Vice - Chair

Marilyn Libbers, Treasurer

Irma Torrez, Secretary

Laura & Ken Brunton, Susan Brazelton, Mary Cox, Sandy de La Cuesta

Bobbi Graham, Brad Jones, Yarka Kennett, Lorraine Welk, Ellie Weston, Cindy Wright

Steve Tate and Roger Knopf

Community Project

Official Commander of the Morgan Hill Veteran's Memorial

Eddie Bowers

RECOGNITIONS

CITY COUNCIL REPORT

Mayor Kennedy

CITY COUNCIL COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council, Redevelopment Agency Action, and Morgan Hill Wastewater Facilities Financing Corporation

ADOPTION OF AGENDA

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
1.	5 Minutes	<u>NOVEMBER 7, 2006 GENERAL MUNICIPAL ELECTION – CERTIFIED STATEMENT OF ELECTION RESULTS</u>	1
		<u>Recommended Action:</u> <u>Adopt</u> Resolution Reciting the Facts of the General Municipal Election Held on November 7, 2006; Declaring the Results and Such Other Matters as Provided by Law.	

OATHS OF OFFICE

Mayor-Elect Steve Tate
Council Member-Elect Marby Lee
Council Member-Elect Greg Sellers
City Clerk Torrez

RECOGNITION/PRESENTATION

Mayor Dennis Kennedy

ELECTED OFFICIALS ASSUME THEIR SEATS ON THE DAIS

ADJOURN TO RECEPTION

Thanking Outgoing and Welcoming Elected Officials

RECONVENE

CONSENT CALENDAR:

ITEMS 2-13 The Consent Calendar may be acted upon with one motion, a second and the vote, by each
respective Agency. The Consent Calendar items are of a routine or generally uncontested nature
and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of
Conduct, any member of the Council or public may request to have an item pulled from the
Consent Calendar to be acted upon individually.

	Time Estimate		Page
	Consent Calendar: 1 - 10 Minutes		
2.		<u>RESIGNATION OF A PARKS & RECREATION COMMISSIONER</u>	3
		<u>Recommended Action(s):</u>	
		1. <u>Accept</u> Jim Green's Resignation from the Parks & Recreation Commission; and	
		2. <u>Direct</u> City Clerk to Commence Recruitment Efforts to Fill the Vacancy.	

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
3.	<u>CONSIDER MAYOR-ELECT TATE'S RECOMMENDATION TO FILL VACANCIES ON TWO COUNCIL COMMITTEES AND REAFFIRMATION OF CURRENT COUNCIL ASSIGNMENTS</u>	7
	<u>Recommended Action(s):</u>	
1.	<u>Ratify</u> Mayor-Elect Tate's Recommended Appointment of Council Member-Elect Marby Lee to the Regional Planning & Transportation Committee, and the Utilities & Environment Committee; and	
2.	<u>Reaffirm/Continue</u> with the Council's Current Committee & Outside Agency Assignments.	
4.	<u>RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDSCS) 2006 QUARTERLY REPORT #3</u>	13
	<u>Recommended Action(s):</u> <u>Accept</u> and <u>File</u> the RDSCS Third Quarter Report for 2006.	
5.	<u>RESOLUTION AMENDING CITY'S CONFLICT OF INTEREST CODE REPORTING CATEGORIES</u>	31
	<u>Recommended Action(s):</u> <u>Adopt</u> Resolution Amending the List of Positions Subject to the City's Conflict of Interest Code.	
6.	<u>AUTHORIZATION TO EXTEND ARCHITECTURAL CONSULTANT AGREEMENT FOR THE EL TORO/FRIENDLY INN MASTER PLANNING</u>	37
	<u>Recommended Action(s):</u> <u>Authorize</u> City Manager to Amend Weston Miles Architectural Consultant Agreement for a Term Extension Until January 1, 2008.	
7.	<u>AUTHORIZATION TO EXTEND AUDIO VISUAL CONSULTANT AGREEMENT FOR THE CENTENNIAL RECREATION CENTER</u>	39
	<u>Recommended Action(s):</u> <u>Authorize</u> City Manager to Amend Lewitz and Associates Consultant Agreement for a Term Extension Until January 31, 2007.	
8.	<u>CONTRACT FOR WATER AND WASTEWATER RATE STUDY</u>	41
	<u>Recommended Action(s):</u>	
1.	<u>Award</u> Contract for Water and Wastewater Rate and Connection Fee Services for a Maximum Cost of \$51,625 to Bartle Wells Associates;	
2.	<u>Authorize</u> City Manager to Execute a Contract with Bartle Wells Associates, Subject to Review and Approval by the City Attorney; and	
3.	<u>Increase</u> the 2006-2007 Budget by \$51,625.	
9.	<u>EMERGENCY AUTHORIZATION FOR PLACEMENT OF SLOPE EROSION PROTECTION</u>	67
	<u>Recommended Action(s):</u>	
1.	<u>Adopt</u> Resolution Declaring an Emergency Need for the Placement of Slope Erosion Protection to Mitigate Impacts of a March, 2006 Slide in the Jackson Oaks Open Space (<u>Note:</u> 4 Affirmative votes required to adopt resolution); and	
2.	<u>Appropriate</u> \$69,550 from the General Liability Insurance Fund Balance (Fund 795) for this Project.	
10.	<u>ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 9585, MORGAN STATION</u>	73
	<u>Recommended Action(s):</u>	
1.	<u>Adopt</u> Resolution Accepting the Subdivision Improvements Included in Tract 9585, Commonly Known as Morgan Station; and	
2.	<u>Direct</u> City Clerk to File a Notice of Completion with the County Recorder's Office.	
11.	<u>ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 9408, MORGAN LANE PHASE I</u>	79
	<u>Recommended Action(s):</u>	
1.	<u>Adopt</u> Resolution Accepting the Subdivision Improvements Included in Tract 9408, Commonly Known as Morgan Lane Phase I; and	
2.	<u>Direct</u> City Clerk to File a Notice of Completion with the County Recorder's Office.	

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
12.	<u>IMPROVED USED MOTOR OIL CONTAINERS</u>	85
	<u>Recommended Action(s):</u> <u>Appropriate</u> \$22,580 from the Un-Appropriated Fund Balance of Environmental Programs (Fund 232) to Line Item 232-5800-42299.	
13.	<u>ADOPT ORDINANCE NO. 1808, NEW SERIES</u>	89
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1808, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO THE ZONING DESIGNATION OF A 7.84-ACRE SITE FROM R1(12,000) AND R1(20,000) TO R2(3,500)/RESIDENTIAL PLANNED DEVELOPMENT (RPD) AND ESTABLISHING MINIMUM STANDARDS FOR DEVELOPMENT OF THE SITE. (APN 712-09-001)/(ZA-05-03: TILTON-BARNICK)	

Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 14

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
14.	<u>DISPOSITION AND DEVELOPMENT AGREEMENT WITH EL TORO BREWING</u>	95
	<u>Recommended Action(s):</u> <u>Authorize</u> Executive Director to Extend the Deadlines for Project Completion and "Continuous Operations" to January 30, 2007.	

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 15

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
15.	<u>APPROVE JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL AND REGULAR REDEVELOPMENT AGENCY MEETING MINUTES OF NOVEMBER 15, 2006</u>	97

Morgan Hill Wastewater Facilities Financing Corporation Action

CONSENT CALENDAR:

ITEMS 16-18

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
16.	<u>APPROVE MORGAN HILL WASTEWATER FINANCING CORPORATION ANNUAL MEETING MINUTES OF DECEMBER 7, 2005</u>	121
17.	<u>ANNUAL REPORT REGARDING WATER SYSTEM FACILITIES</u>	123

Recommended Action(s): **Receive** and **File** Report Regarding Water System Facilities.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

18. **ELECTION OF OFFICERS** 127
Recommended Action(s): **Elect** the Mayor as President, Mayor Pro Tempore as Vice President, City Treasurer as Treasurer, and City Clerk as Secretary to Serve as the Officers of the Wastewater Facilities Financing Corporation.

City Council Action

PUBLIC HEARINGS:

Time Estimate

Page

19. **10 Minutes** **ZONING AMENDMENT, ZA-06-15: MONTEREY-AZAR**129
Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
Action- **Motion to Waive** the Reading in Full of Ordinance.
Action- **Motion to Introduce** Ordinance by Title Only. (Roll Call Vote)
20. **15 Minutes** **ZONING AMENDMENT, ZAA-00-14: OAK PARK-GENTILE**135
Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
Action- **Adopt** Resolution Denying Zoning Amendment Request.
OR
Action- **Motion to Waive** the Reading in Full of Ordinance.
Action- **Motion to Introduce** Ordinance by Title Only. (Roll Call Vote)
21. **30 Minutes** **ZONING AMENDMENT, ZA-06-03: CITY OF MORGAN HILL – LIGHT COMMERCIAL RESIDENTIAL ZONING DISTRICT**167
Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
Action- **Motion to Waive** the Reading in Full of Ordinance Adopting Chapter 18.25.
Action- **Motion to Introduce** Ordinance Creating Light Commercial Residential Zoning District by Title Only. (Roll Call Vote)
Action- **Motion to Waive** the Reading in Full of Ordinance - the Zoning Map.
Action- **Motion to Introduce** Ordinance Rezoning Parcels to the CL-R Zoning District by Title Only. (Roll Call Vote)
Action- **Motion to Waive** the Reading in Full of Ordinance Amending Chapter 18.04.
Action- **Motion to Introduce** Ordinance Amending Zoning Definitions by Title Only. (Roll Call Vote)

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
22.	5 Minutes	<u>UPDATE ON SAN PEDRO AND CONDIT WELLS PERCHLORATE TREATMENT ALTERNATIVES</u>	243
		<u>Recommended Action(s): Information</u> Only at This Time.	
23.	5 Minutes	<u>SELECTION OF CITY COUNCIL MAYOR PRO TEMPORE AND REDEVELOPMENT AGENCY VICE-CHAIR</u>	255
		<u>Recommended Action(s):</u>	
		1. <u>Open Floor</u> to Nomination(s) for Mayor Pro Tempore/Vice Chair; and	
		2. <u>Select</u> Council/Agency Member to Serve as Mayor Pro Tempore/Vice-Chair per City Council Policy.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.